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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 United States of America

10 Plaintiff,

11 v.

12 Mark Terrence Klos,

13 Defendant.

No. CR11-0233-PHX DGC

ORDER

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15 Defendant Mark Terrence Klos has filed a motion for change of venue. Doc. 46.
16 The motion is fully briefed and no party has requested oral argument. The Court will
17 deny the motion.

18 Federal Rule of Criminal Procedure 21(b) provides that a case may be transferred
19 to another district for the convenience of the parties, any victim, and the witnesses, and in
20 the interest of justice. Although Defendant resides in Florida, five of the eight witnesses
21 likely to testify at trial reside in Arizona, including the two victims. This case has been
22 pending for some time, and both the prosecutor and defense attorney are located in
23 Arizona. In addition, both victims are employed and Defendant is not, meaning that the
24 employment-related disruption of trial would be greater for the victims if trial were held
25 in Florida than for Defendant if trial were held in Arizona. Defendant notes that he is
26 indigent, but the government will pay his travel and housing costs for all necessary
27 proceedings in Arizona.

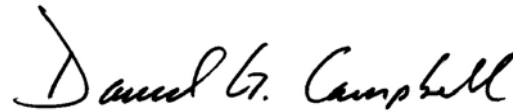
28 Considering all these factors, the Court concludes that trial in Arizona will be

1 more convenient and less costly than trial in Florida for the victims, the witnesses, and
2 the attorneys. In addition, Defendant has provided no basis for concluding that the
3 interests of justice will be better served by trial in Florida.

4 **IT IS ORDERED** that Defendant's motion for change of venue (Doc. 46) is
5 **denied.**

6 Excludable delay pursuant to U.S.C. § 18:3161(h)(1)(D) is found to run from
7 June 9, 2012.

8 Dated this 5th day of July, 2012.

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11 _____
12 David G. Campbell
13 United States District Judge
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